

## Overview

### Public Determinations of the NYS Commission on Judicial Conduct

The New York State Commission on Judicial Conduct is an independent Constitutional agency that is empowered to receive and review written complaints of misconduct against judges and justices of the state unified court system, including State, County, Municipal, Town and Village Courts.

This dataset includes all public determinations that a judge or justice has committed misconduct since the Commission's inception in 1978, as well as several determinations by the prior Commission that were rendered in 1977.

“Judges” are judicial officers who preside in the Court of Appeals (New York’s highest court), Court of Claims, County Court, Family Court, NYC Civil or Criminal Court, City Court or District Court. “Justices” are judicial officers who preside in the Appellate Division, Appellate Term, Supreme Court, Town Court or Village Court. The terms “judge” and “justice” are often used interchangeably. Judges of the Surrogate’s Court are often called “Surrogate.” When vacancies occur, judges from other courts may be temporarily assigned, in which case they are deemed an “Acting” judge or justice.

The types of complaints that may be investigated by the Commission include improper demeanor, conflicts of interest, intoxication, bias, prejudice, favoritism, corruption, prohibited business or political activity, serious financial and records mismanagement, assertion of the influence of judicial office for the private benefit of the judge or others, and other misconduct on or off the bench. Physical or mental disability may also be investigated.

Investigation of a complaint may entail such measures as interviewing witnesses, analyzing documents and getting the judge’s response to the allegations. If a complaint is investigated and the allegations are not substantiated, the Commission will dismiss the complaint. If the allegations appear to have merit, the Commission may direct that formal charges be served against the judge and a formal hearing be held.

After a formal hearing, the Commission may dismiss the complaint or caution the judge privately about the matter. Pursuant to Judiciary Law § 45, those determinations are confidential and not available to the public.

If it is established at the hearing that a judge has committed misconduct, the Commission determines whether a judge should be publicly admonished or censured, removed from office or, in a case of disability, retired.

An admonition is the least serious form of public discipline. The Commission may publicly censure a judge where the misconduct is more serious, but not serious enough to warrant

removing the judge from office. A judge who is removed loses his or her judicial position and is barred from ever holding any other judicial office.

The Commission may also retire a judge for mental or physical disability, although that is rare. Some judges choose to resign when the Commission serves a formal written complaint, and those cases usually result in a public stipulation in which the judge agrees to not seek or accept any future judicial office.

The Commission does not have the authority to suspend a judge or justice. The prior Commission, which was replaced by the current Commission in April 1978, did have that authority, which is reflected in one matter in this dataset.

Determinations to admonish, censure, remove or retire a judge are subject to review by the Court of Appeals, New York State's highest court.

Judiciary Law § 42(4) requires the Commission to send an annual report to the Governor, the Legislature and the Chief Judge of the Court of Appeals with respect to proceedings that have been finally determined by the Commission. The data in this dataset is collected in furtherance of that obligation. The data will be updated periodically to reflect the most recent public Commission determinations.